

Attorney Docket No. 01387RE/HG

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Patent Owner: KYOTO PHARMACEUTICAL INDUSTRIES, LTD.

Patentee : Shoji KAMIYA et al.

Patent No. : 6,063,806

Issue Date : May 16, 2000

Title : INDOLYL OR INDOLINYL DERIVATIVES AND MEDICAL  
USE THEREOF AS ACAT OR LIPID PEROXIDATION  
INHIBITORS

**REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**

I hereby declare that:

The residence, mailing address and citizenship of the  
inventors are stated below:

I am authorized to act on behalf of the following assignee:  
KYOTO PHARMACEUTICAL INDUSTRIES, LTD. and the title of my  
position with said assignee is President.

The entire title to the patent identified below is vested in  
said assignee.

<u>Inventor</u>	<u>Citizenship</u>	<u>Residence/Mailing Address</u>
Shoji KAMIYA	Japan	202, Dai-5-Koopo-Nakagawa, 50-39, Kamikatsura Sannomiya- cho, Nishikyo-ku, Kyoto-shi, Kyoto 615 Japan
Hiroaki SHIRAHASE	Japan	38-35, Imazato-Kawahara, Nagaokakyo-shi, Kyoto 617 Japan
Hiroshi MATSUI	Japan	14-4, Mimatsu 3-chome, Nara-shi, Nara 631 Japan
Shohei NAKAMURSA	Japan	6004, Reijidensu-Bere-Shanburu, 14, Uzumasa Tayabu-cho, Ukyo-ku, Kyoto-shi, Kyoto 616 Japan

<u>Inventor</u>	<u>Citizenship</u>	<u>Residence/Mailing Address</u>
Katsuo WADA	Japan	502, Hiruzukoto-Takatsuki-3-Bankan, 10, Kamihamuro 1-chome, Takatsuki-shi, Osaka 569-11 Japan

I believe said patentees to be the original first and joint inventors of the subject matter which is described and claimed in the above-referenced patent, for which a reissue application is sought.

A copy of the specification of said patent is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including claims, as amended by the Amendment filed concurrently herewith.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

#### At least One Error

I verily believe the original patent to be wholly or partly inoperative or invalid by reason of the patentee claiming more or less than patentees had a right to claim in the patent.

At least one error upon which reissue is based is described as follows: The original claims did not include individual species claims which are now being presented.

#### No Deceptive Intent

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Priority Under 35 USC 119

Priority is claimed under 35 USC 119 as follows:

Oct. 5, 1995 [JP] Japan 7-259082

Mar. 14, 1996 [JP] Japan 8-058018

Jul. 24, 1996 [JP] Japan 8-194331

Certified copies were filed during the prosecution of the Patent.

Power of Attorney

I hereby appoint the following attorneys to prosecute this application and to transact all business in the U.S. Patent & Trademark Office connected therewith: Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Marshall J. Chick, Reg. No. 26,853; Richard S. Barth, Reg. No. 28,180, Douglas Holtz, Reg. No. 33,902; and Robert P. Michal, Reg. No. 35,614.

**PLEASE DIRECT ALL CORRESPONDENCE TO:**

**FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.  
767 Third Avenue, New York, N.Y. 10017-2023**

Oath or Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may

jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Dated: June 6, 2003

Kazuhiko Kitao

Kazuhiko Kitao  
President  
KYOTO PHARMACEUTICAL INDUSTRIES, LTD.  
38, Nishinokyo Tsukinowa-cho  
Nakakyo-ku, Kyoto-shi, Kyoto 604 Japan

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**STATEMENT UNDER 37 CFR 3.73(b)**

KYOTO PHARMACEUTICAL INDUSTRIES, LTD., a corporation of Japan, states that it is the assignee of the entire right, title and interest in the patent identified above by virtue of an assignment from the inventors of the patent identified above. The assignment was recorded in the United States Patent and Trademark Office on April 3, 1998 at Reel 009373, Frame 0135.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

KYOTO PHARMACEUTICAL INDUSTRIES, LTD.

Date June 6, 2003 By Kazuhiko Kitao  
Kazuhiko Kitao  
President

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**REISSUE APPLICATION: CONSENT OF ASSIGNEE**

This is part of the application for a reissue patent based on the original patent identified above.

Filed concurrently herewith is a Statement under 37 CFR 3.73(b).

The assignee of the entire right, title and interest in said original patent is KYOTO PHARMACEUTICAL INDUSTRIES, LTD. and the assignee hereby consents to the accompanying application for reissue.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of said assignee.

KYOTO PHARMACEUTICAL INDUSTRIES, LTD.

Date June 6, 2003

By Kazuhiko Kitao  
Kazuhiko Kitao  
President